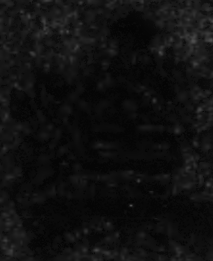

FARMERS AND THE LAW

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Alberta Agriculture
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OR
Alberta Agriculture's district offices

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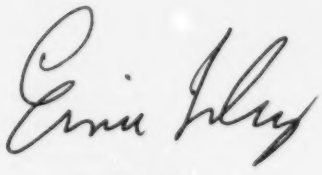
A MESSAGE FROM THE MINISTERS

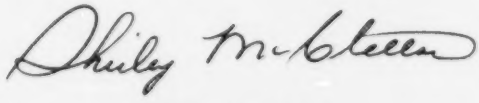
Like all citizens, farmers should be aware of their legal rights and responsibilities. The Farmers' Advocate with the assistance of various government departments publishes "Farmers and the Law" to assist farmers in becoming familiar with the statutes, by-laws and regulations under which they must operate.

We encourage you to become familiar with the information contained in this publication. Please note that the information is current at the time of publication, but is subject to change. Because the information is sometimes open to interpretation, we urge you to consult the appropriate department or obtain legal counsel regarding any legal matter.

Knowing your legal obligations and entitlements can save you time and money. We hope you will find "Farmers and the Law" a useful publication.



Ernie Isley
Minister



Shirley McClellan
Associate Minister

THE FARMERS' ADVOCATE OF ALBERTA

Let the wealthly and great
Roll in splendor and state
I envy them not; I declare it.

I eat my own lamb
My chickens and ham
I shear my own fleece and I wear it.

I have lawns, I have bow'rs
I have fruit, I have flow'rs
The lark is my morning alarmer.

So jolly Boys now
Here's God speed, the Plough
Long Life and Success to the Farmer.

ACKNOWLEDGEMENTS

Alberta Agriculture:
- Animal Health Division
- Health Management Branch
- Animal Industry Division
- Regulatory Services Branch
- Plant Industry Division
- Crop Protection Branch
- Rural Services Division
- Engineering Services Branch

Alberta Consumer and Corporate Affairs:
- Community Services
- Consumer Education

Alberta Environment:
- Water Resources Administration Division

Alberta Forestry, Lands and Wildlife:
- Fish and Wildlife Division

Alberta Treasury:
- Revenue Administration

Alberta Transportation and Utilities:
- Motor Transport Services Division
- Transportation Safety Branch
- Transportation Engineering Branch

Alberta Solicitor General:
- Law Enforcement Division
- Motor Vehicles Division

Royal Canadian Mounted Police

SPECIAL NOTE

The contents of this booklet are excerpts from various statutes, by-laws and regulations as they may apply to farmers and ranchers. This publication is intended to provide information only and not to replace any of the noted statutes or by-laws, nor to offer legal interpretation of same. Anyone wishing further information is advised to review the specific statute or by-law and/or obtain legal counsel.

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FUEL TAX ACT -- FARM FUEL

If you are an eligible farmer in Alberta, you may obtain a discount on every litre of farm gas, diesel fuel and domestic heating fuel, provided its purpose is for use in farm equipment or farm trucks used in your farming operations. Fuel cost is reduced "at the pump" by your bulk dealer deducting the allowance from your purchase price. You will see this reduction clearly identified on every marked fuel invoice received from your bulk agent.

The only paper work you must file is a declaration with Alberta Treasury indicating that you actively carry on eligible farming operations in Alberta and that the marked gas and diesel fuel you buy is used only for farming purposes.

This program is administered by the Revenue Administration Division, Alberta Treasury, which works in co-operation with oil companies and bulk dealers in the province. The bulk dealers deduct the allowance from the price of your purchases of marked fuel, then are repaid that amount by the Alberta government.

Restrictions on use of farm fuel

Marked farm fuel cannot be used for any purpose other than farming operations in Alberta or for heating buildings. It is an offense for a person to be in possession of marked farm fuel for any other purpose.

Use of marked fuel is not permitted in licensed vehicles except for trucks bearing farm category licence plates and only when in conjunction with the farming operation or for personal use by the farmer or his dependents. Marked farm fuel may not be used in any other type of business operation carried on by the farmer.

For further information regarding the use of marked fuel please contact Alberta Treasury, Revenue Administration at 427-3044 (Edmonton area) or 1-800-262-9069 (Alberta toll-free).

FARM IMPLEMENT ACT

All farmers in Alberta who purchase new equipment are covered by the Farm Implement Act.

The Act covers new farm equipment which has a retail sales price of $1,000 or more and is intended for use in your farming operation. The Act can be used for your protection should a contravention of the Act occur.

Warranties

The Farm Implement Act states: "The warranty is deemed to apply for a reasonable period of time not to be less than one year from the date that the farm implement is first used in the first normal season of use by the purchaser." This means you are covered under warranty commencing not at the time you sign the contract, but at the time that an installation or piece of equipment is fully completed and is first used.

Warranty provisions require that new farm implements and equipment be made of good material, properly constructed both as to design and workmanship and in good working order. However, the warranty is subject to **reasonable** operating conditions with proper use and maintenance to ensure reasonable durability. A 90-day new parts warranty is provided for as well, again, warranty begins when the new parts are first used.

Contracts

Under the Act, you must have signed a contract covering your new equipment or installation. All warranties as well as a complete description of the implement or components, **serial numbers and model numbers, must be included.**

If the contract relates to more than one farm implement, it should show the purchase price for each implement and attachment. All motors and engines should state the horsepower they develop. A person who signs an agreement to purchase farm implements is not bound by that agreement until the agreement is signed by the dealer or an authorized representative of the dealer; or when the purchaser has taken delivery of the machine under an agreement, whichever occurs first.

Repairs and Parts

Repair parts from the dealer shall be made available to the purchaser within a reasonable period of time after a request for them is made through the distributor. The distributor is not responsible for any delay in delivering a required part, if that delay is due to circumstances beyond his control. The distributor is also required to ensure a 10-year parts supply.

Performance

If a new farm implement, which is properly maintained and used under reasonable operating conditions, fails to satisfactorily perform the work for which it was intended during the first 10 actual days or the first 100 actual hours, whichever comes first, the purchaser may, within a reasonable period of time, give notice preferably by registered mail to the distributor, the dealer and the Minister of Agriculture, of failure to perform. The dealer or distributor shall endeavor to make the implement perform in a satisfactory manner within seven days after receiving notice. Reasonable operating conditions must exist and if the dealer or distributor cannot make the unit operate, he must then supply a satisfactory replacement within 48 hours.

Licensing

All dealers and distributors who sell equipment within the province of Alberta are required to be licensed and bonded under the Act. We would suggest before you purchase new equipment, you ensure that your dealer is licensed and bonded under the Act.

For more information contact the Farm Implement Act Administrator at 427-2188 in Edmonton or 556-8421 in Olds.

MOTOR VEHICLE ADMINISTRATION ACT

Farm vehicles are defined as a vehicle which has been issued a Class 2 licence with a "farm" use identifier. Typically, this is a farm truck owned and operated by a farmer for farm and personal use. Cars, station wagons, motor homes and minivans cannot be registered as farm trucks, nor can any vehicle used by a farmer in a business other than farming.

Special registrations, termed farm tabs, are available to clearly identify farm vehicles and can be obtained from local issuing offices. Please contact your local Motor Vehicles Division office for further information.

Licensing of trailers

A trailer used solely for farming operations requires only a trailer identification licence plate except for the following which do not require a licence:

a) trailers used by farmers solely for their farming operations, but not for the purpose of conveying goods or commodities to or from any market

b) any towed farm implement either used or intended to be used for the prime purpose of conveying goods, merchandise or materials

c) dollies used for the moving of buildings

d) trailers with permanently mounted machinery or equipment which is neither used nor intended to be used for the prime purpose of transporting goods, merchandise or materials including air compressors, welders, tar buckets, concrete mixers and other similar material.

Farm tractors under certain conditions of operation can be classified as motor vehicles and as such are subject to licensing and coverage by public liability and property damage insurance. To protect yourself when using a farm tractor other than to tow an implement of husbandry or an exempted vehicle listed above, contact your nearest Motor Vehicles Division office for information.

Operator's licence classification

There are at present seven classes of Alberta operator's licence, each of which allows the operation of different **types** of vehicles. Before operating any newly acquired equipment which may be different in size or operating characteristics or undertaking to drive some other kind of equipment for someone else, it is the responsibility of each person to make sure his licence classification is adequate and allows him to legally operate the vehicle in question.

Licence classifications and their uses are clearly listed in the Alberta Driver's Handbook available from any drivers' examination office in the Province. Anyone who wishes to drive an air brake equipped vehicle must either have a Class 1 licence or have an operator's licence of any other class with an air brake endorsement. Driver examiners will gladly assist anyone who has concerns as to what class of licence is necessary and to explain how they can arrange to obtain an added classification when necessary.

OFF-HIGHWAY VEHICLE ACT

Any off-highway vehicle means any motorized vehicle designed for cross-country travel on land, water, snow, ice, marsh or swamp land or on other natural terrain and without limiting the kinds of vehicles in this class includes the following vehicles designed for off-highway travel:

1. 4-wheel drive or low pressure tire vehicles
2. motorcycles and related 2-wheel vehicles
3. amphibious machines
4. all-terrain vehicles
5. miniature motor vehicles
6. snow vehicles
7. mini-bikes
8. any other means of transportation which is propelled by any power other than muscular power or wind but does not include:
9. motorboats or
10. any vehicle exempted from all the provisions of the Act by the Regulation.

No one is entitled to use an off-highway vehicle on public land that is not a registered or insured off-highway vehicle. If a person operates a private vehicle on his own private land or on property owned by some other person who has consented to the use of his land for the operation of the off-highway vehicle, then the off-highway vehicle is not required to be registered or insured. The operator of an off-highway vehicle may cross any highway as may be required provided before doing so the operator ensures that: he stops the vehicle, that all passengers disembark from the vehicle or anything attached to it before it starts across, that the operator yields the right of way to every other vehicle on the highway and crosses by the shortest and most direct route possible. Under special circumstances a municipality may pass a by-law permitting the operation of off-highway vehicles on highways within the municipality's control, or the Minister of Transportation and Utilities may allow the operation on a portion of a particular highway under special permit for some special event. Anyone who operates an off-highway vehicle on a highway where a special by-law or permit is in effect would have to have it registered or insured to operate legally. No person under 14 years of age shall operate an off-highway vehicle unless he is supervised by an adult person seated next to him on the off-highway vehicle or close enough to him to give instruction. No teaching or instruction should be carried out while the off-highway vehicle is legally being operated or while crossing a highway.

MOTOR TRANSPORT ACT

Trailers – brakes

All trailers and semi-trailers require brakes applied from the cab of the towing vehicle adequate to control, hold or stop the vehicle under all conditions. The following exemptions from this requirement are allowed:

1. trailers with a maximum gross weight of 2,300 kg (5,070 lb) or less providing that the towing unit has a weight of at least twice that of the loaded trailer
2. farm trailers with a maximum gross weight of 3,650 kg (8,050 lb) or less while being towed empty or at a speed of 25 km/h (15.5 mph) or less when loaded
3. trailers towed by smaller towing units such as 1/2 to 3/4 ton trucks require brakes when gross laden weight of the trailer exceeds 907 kg (2,000 lb).

For further information please contact Transportation Safety at 427-7910.

Reference: Public Vehicle General Equipment and Safety Regulation 435/86 Section 18 Motor Transport Act.

Dimensions of vehicles

Maximum allowable vehicle dimensions are as follows:

Width:

a) 2.6 m (8'6")

b) 3.05 m (10') for all mobile homes or other structures

c) implements of husbandry are exempt except at night when clearance lights must be displayed at the extreme edge of the vehicle or load

d) 15 cm (6") is allowed beyond each side of the vehicle or load for rear view mirrors. Note: Implements of husbandry are defined as vehicles designed and adapted exclusively for agriculture but do not include brush cutters, brush rakes or dozers.

Height:

a) 4.15 m (13'6") providing clearance is sufficient under bridge structures, power and telephone lines.

Length:

a) single vehicles 12.5 m (41')

b) truck and towed trailer 23 m (75'6")

c) tractor/semi-trailer units 20 m (65'6")

d) approved Transportation Association of Canada (TAC) configurations tractor/semi-trailers, A,B, and C trains 25 m (82').

Permits

These may be obtained for loads which exceed legal dimensions which include the following:

a) baled hay and straw

b) dozer blades

c) grain bins

d) implements of husbandry.

Vehicle Weight

Allowable gross vehicle weights, the weight of the vehicle and the load, are dependent upon vehicle configuration and/or tire size. Maximum allowable axle weights are determined in a similar manner. A

single axle with 9" (228 mm) wide dual tires is allowed a maximum of 9,100 kg (20,062 lb). A tandem axle with dual tires is allowed 17,000 kg (37,478 lb) using a minimum of 10" (254 mm) wide tires.

Maximum allowable axle weight may be reduced if the total of the manufacturer's rated tire capacity for that axle is below the maximum allowable weights listed above (i.e.: 9,100 kg or 17,000 kg).

Maximum truck-trailer combination weights vary with the configuration, number of axles, and tire sizes.

Further information on vehicle weights and dimensions may be obtained by contacting Alberta Transportation & Utilities, Compliance Information Services in Edmonton at 427-8901.

Road Bans

Legal axle loads are considered to be 100 percent of maximum allowable axle weight. When road bans are required they are expressed as a percentage of legal axle loading, for example, 90 percent, 75 percent and 50 percent. A 75 percent road ban means the maximum weight you are allowed to carry on an axle is 75 percent of the maximum allowable for that axle. For example, if you have a truck with 9" wide dual tires on a single axle, that axle could only carry a maximum of 9,100 kg. If you travel on a 90% ban road, that axle could only carry a maximum of 8,190 kg (18,055 lb). The steering axle is not affected by road bans, hence, can operate at 100 percent axle loadings during road bans.

For further information please contact a Vehicle Inspection Station or Road Ban Information in Red Deer, at 340-5293.

Secure Loads

When the load of a vehicle consists of loose material or of material liable to shift, slip, blow off or fall off while being conveyed, it should be placed on the vehicle inside a container or otherwise so placed to prevent it from falling off the vehicle.

Movement of fertilizers

Regulations governing the movement of fertilizers under the Motor Transport Act are set out in the "Transportation of Anhydrous Ammonia and Other Fertilizers Regulation."

These regulations cover the following equipment for on-highway use:

1. anhydrous ammonia applicators
2. dry spreader trailers
3. self-propelled floaters
4. farm wagon type trailers.

Reference: Transportation of Anhydrous Ammonia and Other Fertilizers Regulation 436/86 Motor Transport Act.

Included in these regulations are:

1. Equipment requirements including:
   a) lights
   b) signs
   c) towing vehicle and brake requirements
   d) tank mounting and securement devices.
2. Vehicle operations including:
   a) speeds
   b) hours of operation
   c) tank operating capacity.

For further information contact Vehicle Inspection Stations or Overload Control at 340-5295 in Red Deer.

Carriage of livestock

Under the provisions of the Livestock Identification and Brand Inspection Act, a farmer transporting livestock requires a completed Livestock Manifest, or in the case of market hogs, a Hog Manifest as prescribed by the Alberta Pork Producers' Marketing Board. These manifests are used to establish ownership.

The Bill of Lading and Conditions of Carriage Order under the Motor Transport Act specifies the conditions for transportation of livestock and includes among others, the following:

1. vehicle requirements
2. bedding requirements
3. transportation requirements under extreme temperatures
4. minimum floor space requirements
5. separation requirements for different species of livestock.

For further information contact Regulatory Services Branch, Alberta Agriculture at 427-5098.

Reference: Animal Health Transportation Regulation 452/78 Motor Transport Act.

ANIMAL PROTECTION ACT

This Act empowers a peace officer such as a constable working for the Society for the Prevention of Cruelty to Animals (SPCA), certain appointed veterinarians and police officers to take action to relieve an animal in distress. A distressed animal is one which is deprived of adequate food, water or shelter, is injured, sick or in pain or is abused or neglected. A peace officer may enter the premises where an animal is suspected to be in distress and, if it is found to be distressed, inform the person in charge of the measures to be taken to relieve the animal. The animal may be taken into custody for care if the person in charge cannot be located or refuses to take the required action.

For further information, contact the Health Management Branch at 422-4844 or the Animal Health Division, Alberta Agriculture at 427-2166.

LIVESTOCK DISEASE ACT

Livestock Market Regulation

All livestock markets in Alberta must hold a stockyard licence and conform to the licensing requirements of the Alberta Livestock and Livestock Products Act. Once licensed as a stockyard, a facility may then operate as a livestock auction market if certain requirements are met under the Livestock Market Regulation, Alberta Livestock Diseases Act. Adequate construction and sanitary standards must be maintained. The humane care and handling of livestock is required. Provision is made for effectively controlling emergency disease outbreaks. Market operators are required to record data on all livestock, contributors and buyers at sales and retain such data for 24 months.

For further information, please contact the Livestock Inspection Section, 422-4844 or the Animal Health Division, Alberta Agriculture at 427-2166.

Disposal of Dead Animals Regulations

The regulation requires that all dead animals be disposed of within 48 hours by either burying, burning, or transporting to a rendering plant where the animal will be treated in such a way as to kill any infectious organisms present.

For further information please contact Head of Epidemiology at 422-4844 or the Director of Animal Health Division at 427-2166.

Designated Diseases Regulation

This regulation requires veterinarians and owners to notify the Animal Health Division if any of their animals are infected by certain diseases. These are leptospirosis and salmonellosis for cattle and swine, footrot and brucellosis for sheep, infectious laryngotracheitis and salmonellosis for poultry. Various advisory and control programs are in place for these diseases and are aimed at preventing spread to other animals or to humans.

For further information please contact the Epidemiology Section at 422-4844 or the Director of Animal Health Division, Alberta Agriculture at 427-2166.

MEAT INSPECTION ACT

This Act requires all meat and meat products being offered for sale by any person to be inspected by either federal or provincial authorities. Inspection is provided at all registered abattoirs and packing plants in the province of Alberta. Farmers are entitled to slaughter their own animals on their own premises for their own use.

For further information please contact the Meat Hygiene Branch, Alberta Agriculture at 427-3456.

FEDERAL HEALTH OF ANIMALS ACT

The intention of this Act is to eradicate and maintain the national herd free from debilitating and costly animal diseases such as brucellosis and tuberculosis while at the same time ensuring that devastating foreign animal diseases such as foot and mouth disease do not enter or become established in Canada. This legislation, which replaces the old Animal Disease and Protection Act, improves the ability to protect human and animal health by controlling diseases and toxic substances in animals and their products. The Act also provides authority for a national identification system.

For further information, please contact the regional office of Agriculture Canada in Calgary at 292-4301.

Included in the criminal code are laws related to the inhumane treatment of animals. Among other provisions there are some that deal with inadequate provision of food, water and shelter. Contact the local RCMP or local SPCA.

FEDERAL FOOD AND DRUG ACT

Under this Act and its regulations there are provisions regarding the use of drugs and other chemicals in animals and other products intended for use as food. For example, there are regulations establishing how long a period of time must pass from the time the animal is given a drug until it can be slaughtered for food or when milk can be consumed from the dairy animal. There are also provisions that indicate the maximum acceptable amount of a drug or chemical residue present in food products. It is the responsibility of the producer to be sure that animals or crops sold for food do not contain drug or chemical residue.

For further information please contact Health Protection Branch, Health and Welfare Canada, Edmonton at 495-2626 or Health Protection Branch, Health and Welfare Canada, Calgary at 292-4650.

BRAND ACT

A brand is a character or a combination of characters used for the purpose of denoting ownership of the stock bearing the brand. The holder of any properly registered brand is offered protection by the Brand Inspection Service and the RCMP against loss that may occur from stray animals being offered for sale or those found being knowingly or unknowingly harbored by someone other than the owner. A properly recorded brand is prima facie proof that stock so branded is owned by the registered owner of that brand. The owner of a registered brand may apply an age brand consisting of one arabic numeral from 0-9 inclusive in the area from the shoulder to thigh of either cattle or horses on the same side as the recorded brand or an individual animal number brand to cattle consisting of one or more arabic numerals on the same side as the recorded brand. It costs $25.00 to register a new brand for four years and $20.00 for each subsequent four-year renewal. Brand ownership can be legally transferred only by recording such a transfer with the brand recorder at a cost of $25.00. It is not compulsory to brand

livestock in Alberta; however, it is unlawful to use an unregistered brand or a brand on which registration has expired. It is also illegal to alter, deface or destroy any brand. Branding is one of the earliest forms of identification of livestock. A well applied brand to the animal will ensure the animal will wear the brand all its life.

For further information regarding brands and branding, contact the Livestock Inspection Offices throughout the province or the Animal Industry Division of Alberta Agriculture at 427-5091.

LIVESTOCK IDENTIFICATION AND BRAND INSPECTION ACT

Requirement of livestock manifests

No livestock may be transported or driven on foot within Alberta unless the livestock is accompanied by a livestock manifest. The livestock may not be transported or driven from Alberta to any other place unless the livestock is accompanied by a permit issued by an inspector. The operator of a vehicle or driver of the livestock shall deliver each shipment of livestock to the person to whom the livestock is consigned as indicated on the livestock manifest unless accompanied by the owner of the livestock or by a person appointed in writing to act as his agent, in which case he may deliver the livestock to a person other than the person to whom the livestock is consigned if authorized by the owner or agent.

Where livestock manifests are not required

No livestock manifests are required for livestock which are transported or driven on foot to a veterinary clinic or to a destination which is not more than 15 km in distance and which is other than community pasture, forest reserves, feedlot or market. Any person who consistently transports one or more saddle horses between any two points within Alberta whether on foot or by vehicle may do so if he possesses a horse permit in the prescribed form issued by an inspector; no manifest is then necessary.

Preparation and delivery of manifests

Where livestock is to be transported by a vehicle or is to be driven on foot, a livestock manifest in the prescribed form shall be fully completed in quadruplicate by the owner of the livestock or his agent at the time the livestock is delivered to the vehicle operator or the driver of the livestock. The vehicle operator or the driver of the livestock shall complete the remaining portion of the livestock manifest and shall retain the original copy of the livestock manifest; deliver the first carbon copy with the livestock for brand inspection purposes; deliver the second carbon copy with the livestock to the consignee. The third carbon copy shall be retained by the owner of the livestock for his records.

Proof of ownership

Any person who delivers livestock to a public sale, market or feedlot shall describe the brand on each head of livestock for each lot of livestock on a livestock manifest before delivering the said livestock. The individual must furnish to the inspector all information concerning the brand and bills of sale necessary to establish ownership of the livestock and any other information which the inspector requires in the course of his duties. When a person fails to comply with the above an inspector may cause the livestock to be placed under seizure in locked pens at the expense of the contributor until he does comply.

Return of livestock to the owner

When an inspector determines that the livestock is owned by a person other than the contributor, the owner may demand the livestock be returned and the contributor be responsible for all expenses occasioned by the return to such a place as the inspector may direct.

Should you require further information please contact a local brand inspector.

THE STRAY ANIMALS ACT

No person shall permit or allow any livestock owned by him or in his possession to trespass on land owned by another person or be on a highway as defined in the Highway Traffic Act unless it is in his or another person's direct and continuous charge and he or that other person is competent to control the livestock.

Liability for Trespassing Livestock

Where livestock trespass and damage is done to land or any other agricultural product by the livestock or by any other person in capturing the livestock and the expenses are reasonably incurred in capturing, maintaining and transporting the livestock and in ascertaining the owner or last possessor of the livestock, the owner or last possessor of the livestock are jointly and severally liable for the damage or expense or both.

Exemption from Liability

A person is not liable for any damage or expense which is due wholly to the fault of a person suffering the damage; however, the damage or expense shall not be treated as due to the fault of the person suffering it by reason only that he could have prevented it by fencing his land.

Liability for Opening and Not Closing Gates

Any person who opens and fails to close a gate or tampers with, damages or destroys a gate or fence as a result of which livestock escape is liable to the owner of the livestock for any damages done to the land or any agricultural products by the livestock or by any person capturing the livestock or any expenses reasonably incurred in capturing, maintaining and transporting the livestock and in ascertaining the owner or last person in possession of the livestock. Where an owner, occupier or person on his behalf captures livestock trespassing on his land, he shall within 48 hours of the time that the livestock is confined complete a statement of capture and expenses incurred therewith and send it to the local brand inspector or RCMP.

Entry on Land

An inspector may enter on any land or premises without the consent of the owner or occupier thereof for the purpose of capturing trespassing livestock and removing them from the land or premises.

Right to Kill Dogs

The owner or the person in actual possession of livestock or domestic fowl or any person authorized by either of them may kill a dog in the act of pursuing, worrying or destroying that livestock or domestic fowl on land owned or occupied by the owner or person in actual possession of livestock or domestic fowl.

Order to Kill Dogs

Where a person believes that any other person owns or has in his possession a dog which within one month of the date of his application has worried, injured or destroyed livestock or domestic fowl outside of land occupied by the owner or person in possession of the dog, he may apply to a provincial judge for an order that the dog be killed. Where the provincial judge finds that a dog has within one month of the date of the application worried, injured or destroyed livestock or domestic fowl outside of land occupied by the owner or person in possession of the dog, the provincial judge may order the dog to be killed or to make such order as to him appears appropriate under the circumstances. The above has been provided for information only. The original Act and regulations should be consulted for all purposes of interpreting and applying the law.

Should you require further information please contact your local brand inspector or RCMP.

LINE FENCE ACT

1) Whenever two true owners or occupiers of adjoining parcels of land desire to erect a line or boundary fence between the adjoining parcels for the common advantage of both of them, they shall bear the expense of the erection, maintenance and repair of the fence in equal shares.

2) Whenever the owner or occupier of a parcel of land erects a line or boundary fence between his land and an adjoining parcel of land, the owner or occupier of the adjoining parcel of land shall, as soon as he receives any benefit or advantage from the line or boundary fence, pay to the first-mentioned owner or occupier an equal share of the depreciated value of the line or boundary fence. Thereafter the expense of maintaining and repairing the fence shall be borne by the adjoining owners or occupiers in equal shares.

BANKRUPTCY ACT

If you have financial difficulties but choose not to declare personal bankruptcy, Alberta Consumer and Corporate Affairs' family financial counsellors can help you consolidate your debts. They collect your payments and distribute them to your creditors on behalf of the Clerk of the Court.

CONSUMER CREDIT TRANSACTIONS ACT

This Act does the following:

- Provides for the registration of tax discounters and requires that they submit an annual return of their activities.
- Requires that the terms of credit be revealed in various forms of contracts or statements.
- Requires that certain details of credit transactions that are being advertised are revealed.
- Prohibits the issuing of unsolicited credit cards and limits the liability of a person whose credit cards are lost or stolen.
- Requires that records of transactions be kept for three years.

DIRECT SALES CANCELLATION ACT

This Act applies to you if you sell personal, family, or household goods at any place other than your normal place of business (for example, if you sell door to door).

You must:

- Have written contracts for sales over $25, with buyers' rescission (cancellation) rights printed on the sales agreements.
- Carry an identification card.

FINANCIAL CONSUMERS ACT

If you are a consumer of financial products (such as life insurance, bank accounts, mutual funds, investment certificates, or term deposits), you have rights and responsibilities under the law. For example, you have the right to information about the products. The advice or product that you get must meet your needs. On the other hand, you must give your agent, supplier, or financial planner all information that might affect the advice that he or she gives you. You must become reasonably informed about financial products that you are considering buying. If you lose money because your agent, supplier, or financial planner broke the rules of the Act, you must try to keep your loss to a minimum and you must quickly try to solve the problem with the person or business that's involved. If you do not meet these responsibilities, you may get less compensation if you claim for damages.

The Act allows for financial planners to be licensed. This part of the Act comes into effect late in 1991.

The information that you receive must be in plain language, not in legalese. This part of the Act comes into effect in 1992.

LICENSING OF TRADES AND BUSINESSES ACT

This Act requires the following businesses and trades to be licensed: automotive businesses, direct sellers, funeral directors, retail home sellers, retail order businesses, employment agencies, and prepaid contractors. The regulations also apply to sales of upholstered and stuffed articles and of new mobile homes.

- All businesses that require licences must apply for licensing. Some must obtain bonding and perhaps meet other municipal or provincial requirements.
- Some businesses must meet trust requirements, have written contracts, or meet requirements for premises, seller identification, and advertising standards.
- Licences are issued for one to five years, depending on the type of business.

Alberta Consumer and Corporate Affairs:

- Issues and renews licences.
- Maintains an up-to-date bonding and pay-out system.
- Investigates complaints about unlicensed businesses.
- Examines and monitors businesses to see if they are complying with the legislation and holds hearings about suspending or cancelling licences.
- Prosecutes offenders.
- Processes bond claims.

PUBLIC AUCTIONS ACT

Auction sales businesses must:

- Be licensed and bonded for $25,000.00 through a surety company or with the Alberta Auctioneers Association.
- Hold consignors' money in trust and meet regulated pay-out conditions within 21 days about liens or encumbrances for all items, or accept liability for losses to buyers for goods that they purchase.
- Meet general requirements for conducting sales, calling bids, using qualified auctioneers, etc.

Alberta Consumer and Corporate Affairs:

- Licenses and renews auction sale businesses.
- Ensures that businesses have obtained the required bonding.
- Investigates consumer complaints.
- Monitors the industry to ensure that it is complying with the Act.
- Holds hearings and suspends or cancels licences.
- Prosecutes offenders.
- Processes claims.

UNFAIR TRADE PRACTICES ACT

This Act requires minimum standards of acceptable conduct of businesses that manufacture, sell, distribute or advertise consumer goods and services.

Alberta Consumer and Corporate Affairs:

- Processes consumer and competitor complaints.
- Investigates alleged breaches of the Act.

- Mediates complaints and orders offenders to stop.

For more information, contact your nearest regional office of Alberta Consumer and Corporate Affairs.

AGRICULTURAL CHEMICALS ACT

When employing a custom pesticide applicator, a farmer should ask to see an Alberta Pesticide Applicator's Licence. Farmers need not be licensed to apply pesticides on land under their control or neighboring lands if no fee is charged for the service. Farmers require permits to treat farm-stored grain with phosgene gas for insect control. Pesticide spills must be reported to Pollution Control Division of Alberta Environment. Farmers can dispose of empty pesticide containers at collection sites operated by the municipality. Information regarding pesticide regulations is available from regional offices of the Pesticides Management Branch, at the following locations:

Calgary	– 297-5920
Edmonton	– 427-5855
Grande Prairie	– 538-5460
Lethbridge	– 382-4015.

WEED CONTROL ACT

Purpose:

The Weed Control Act is designed to protect the productivity of agricultural land by preventing the establishment and spread of weed plant species. It recognizes that all weeds do not present the same degree of threat and receive different approaches. Weeds are categorized as "Restricted," "Noxious" and "Nuisance." The Act provides for the elevation of the weed in a particular municipality to a higher category should they perceive more stringent action be required. The Act requires that farmers control Noxious and Nuisance weeds and completely eradicate Restricted weeds from their properties.

Administration:

The Act is provincial legislation that is administered by the municipally appointed weed inspectors. Inspectors have the power to enter onto land, to issue notices, to remedy weed problems, to prohibit the growing of certain crops on infested land, and to take corrective action if non-compliance of the notices occurs.

The responsibility of the landowner:

The landowner is ultimately responsible for weed control for any parcel of land whether that landowner is a private citizen or the Crown. However, if the land is rented, leased, or otherwise occupied, notices can be served on the occupant. A municipality is considered the occupant of a highway under its control but may, by a by-law, provide that the adjacent landowner assume responsibility for weed control to the centre line of the road.

For further information please contact Weed Control Section, Alberta Agriculture at 427-4329.

PEST CONTROL PRODUCTS ACT

The Pest control Products (PCP) Act is enforced by the Agriculture Canada offices in Edmonton and Ottawa. According to this Act no person shall use a pesticide in a manner that is hazardous to human health or to the environment. Agriculture Canada inspectors can charge violators of this Act. In order to ensure the safe use of pesticides, the PCP Act dictates that pesticide users read the pesticide label before using any product. The Act specifies that the level contain information on the hazards of pesticides to humans, birds, fish and bees. Directions for effective use of the product precaution the user to prevent injuries to plants or humans as well as first aid measures in case of injury to humans. Anyone using the pesticide in a manner that is inconsistent with the direction on the label is doing so in an unsafe manner and is violating the Act. Manufacturers can also be charged with being in violation of the PCP Act if the guaranteed active ingredients as well as the packaged contents are above or below those stated on

the label; otherwise the manufacturer is not responsible for the damage to persons or property arising from these products. The buyer assumes those risks at the time or purchase of the product. Violators of the PCP Act are guilty of an indictable offense and are liable to imprisonment for two years or are guilty of an offense punishable by summary conviction.

AGRICULTURAL PESTS ACT

The pest and nuisance control regulation in Alberta lists insects, birds, animals and diseases which damage crops, livestock or property. For the purpose of controlling, destroying or delaying the establishment of pest or nuisance, regulations have been drawn up. These regulations may stop the movement of material, declare control areas, and govern the use of methods to control the pest or nuisance throughout Alberta or in a part of Alberta as described in the regulation and is designed for the protection and benefit of the landowner.

Bacterial ringrot of potatoes, fireblight, dutch elm disease, the Norway rat, grasshoppers and the warble fly are six named pests under the Agricultural Pests Act in Alberta. Declared nuisances in Alberta or that part of Alberta described by the regulation are the coyote, magpie and skunk. It is the responsibility of a person who owns, occupies or controls land, premises, or other property to take active measures to destroy a named pest in accordance with the Agricultural Pests Act.

In the case of a declared pest an officer may enter on land or premises where he has reason to believe such a pest exits and investigate, inspect and take specimens of them when feasible. He/she will direct what measures must be taken for the prevention of the establishment or destruction of this pest. For example, if the presence of bacterial ringrot in potatoes has been confirmed, the owner must comply with several measures developed in order to reduce the spread of the infestation. Such measures may include sprout inhibiting of all potatoes growing on the premises, disinfecting machinery used in the production of those potatoes and making imported seed potatoes accessible for inspection by an officer. Bacterial ringrot infested potatoes may be impounded by an officer and the said potatoes cannot be sold or moved without written permission.

In 1951 the Norway rat was officially designated a pest. As a result, it is the legal responsibility of every Albertan to prevent the establishment of and destroy all Norway rats on land or premises owned or occupied by the said individuals. Every year up to 1,000 rats invade the province at 75 to 100 infestation sites from Montana to Cold Lake, Alberta where they are destroyed by pest control officers keeping the province rat free.

The coyote, once named a pest under the Act, obligated the landowner to destroy this pest on his property. Recently is has been declared a nuisance animal and the individual may control it on his land if he so desires.

LITTER ACT

Litter is any kind of refuse, rubbish, manure, or whole or any part of animal carcass. Feeding and watering livestock usually create a build-up of litter. This practice amy result in an order being issued to cease and clean-up the litter or the offense is punishable on summary conviction. Property, when viewed from a highway, that is considered to be unsightly because of litter therein may become subject to a clean-up order.

Information pertaining to the Litter Act may be obtained from Alberta Environment at 427-2739.

WATER RESOURCES ACT

Water is an extremely valuable resource for all Albertans. It is essential, therefore, that this Crown owned resource be managed in an orderly and beneficial way. At the same time, individual rights must be protected. The provisions in the Water Resources Act are designed to meet these needs. Anyone wishing to divert or use water or undertake projects that may affect water management must obtain a licence or permit from Alberta Environment.

The kind of authorization needed (a licence or permit) depends on the type of project being considered.

1. A licence is required:
   - To divert and use water for a number of purposes including domestic, municipal, irrigation, agricultural and industrial.
   - To dam, impound or store water for such things as stock water, flood control, flow regulation and erosion control.
   - To divert water, without impounding, for flood control or other water management purposes.

   Examples of projects requiring a licence are:
   - flood and erosion control projects
   - straightening or re-aligning or deepening a watercourse or creek
   - constructing a cutoff on a watercourse or creek
2. A permit is required:
   - To place any structure or material which may affect water management in, over or next to water.
   - To alter the shoreline, banks or bed of a body of water in a way which may affect water management, including sand and gravel removal, erosion protection, brushing operations and construction of docks and wharfs.

   Examples of projects requiring a permit are:
   - placing of culvert road crossings across watercourses and creeks
   - removal of debris and brush from a creek or watercourse
   - placing of pipeline and bridges across watercourse and creeks
3. Approval is not necessary for:
   - Domestic farm use of water and watering of up to one acre of garden when water is on or adjacent to the user's land and no construction is required in a watercourse or waterbody.
   - Construction of a small dugout for domestic stockwater.

Further information can be obtained by writing or telephoning Water Resources Administration Division, Regional Services, Alberta Environment at 427-1405, Edmonton, or one of the following Regional Offices:

Peace River – 624-6167

Edmonton – 427-5296

Red Deer – 349-5310

Calgary – 297-6582

Lethbridge – 381-5396

PUBLIC HIGHWAYS DEVELOPMENT ACT 1980

Sec. 39 – Transportation has the right to dispose of water within the road area.

- If such disposition causes damages to the land in the vicinity of the highway, then the owner may recover damages from the Crown.
- Notice in writing regarding the claim and of the injuries must be served by registered letter to the Minister of Transportation and Utilities within one month of the happening.

Public Highways Development Act
Regulation 163/70, 352/79
Sec. 5

- (c) The construction of a drainage ditch within 30 metres of boundary or 60 metres of the centreline of the roadway, whichever is greater, without a permit is prohibited.

MUNICIPAL GOVERNMENT ACT

Sec. 188

- provides the legislation necessary for municipalities to make adequate provision for drainage of a roadway in such a manner as to prevent the flooding of other land.
- provides an avenue of appeal for a person who owns land in the vicinity of the roadway and who claims that default has been made by the municipality.
- the time period for complaints is within 60 days after the day on which the cause of the complaint arose but within two years from the date the alleged default occurred.

LANDLORD AND TENANT ACT

Interested in landlord or tenant issues? Alberta Consumer and Corporate Affairs tipsheet, The Landlord and Tenant Act, can help you understand your legal rights and responsibilities. This publication explains your rights and duties as a renter or a landlord. It mentions residential tenancy agreements, outlines your legal rights when disagreements come up, and warns about penalties for not obeying the Act. Information is also given about security deposits, rent increases, abandoned goods, locks and security devices.

MOBILE HOME SITES TENANCIES ACT

This Act sets guidelines similar to those for the Landlord and Tenant Act, but for mobile home sites.

The Renting A Mobile Home Site tipsheet outlines the Mobile Home Sites Tenancy Act. It gives information about what to do if your mobile home site is not available when it is supposed to be. It tells you what to do if a tenant does not leave the site at the end of the tenancy agreement. Also, this publication advises you on what to do about an abandoned mobile home. In addition,this tipsheet includes most of the information mentioned in the Landlord and Tenant Act tipsheet.

For consumer complaints or questions contact the nearest office of Alberta Consumer and Corporate Affairs at the following locations:

Calgary – 297-5700

Edmonton – 427-5782

Fort McMurray – 743-7231

Lethbridge – 381-5360

Peace River – 624-6214

Red Deer – 340-5241

TRESPASSING INFORMATION

There are many different areas of the law which deal with trespassing and other related matters. In fact, it is sometimes difficult and confusing to know exactly what your property rights are and what rights are being infringed upon when a trespasser comes onto private property. There even exists statutes which entitle certain individuals to trespass on private property with the full sanction of the law. Some examples of this are an Alberta land surveyor and his authorized assistants, a police officer with a proper search warrant or other authorization, and a sheriff acting under an order of the court. The following is a brief description of major areas of the law which deal with trespassing, but this article is only intended to

provide an overview of the different laws so that an individual will have an idea of where to begin to look to see if his or her property rights have been infringed upon and what can be done about it.

It is worthy of note, however, that the same laws and rights apply to private property (held under title) whether it be in the country (farm) or in the city (house and lot).

Criminal Code

Divisions of the Canadian Criminal Code deal with the offense of trespassing in several instances. For example, there is one provision of the code which deals with persons who "loiter or prowl at night upon the property of another person near a dwelling house situated on that property." Usually no more force than is necessary can be used against the trespasser. The Criminal Code describes the situation with respect to self defense against the trespasser. The Criminal Code further describes the defense against the trespasser. The Criminal Code further describes the situation in which an arrest can be made by any person without a warrant. There may or may not be civil liability following on an individual who makes a false arrest.

Civil liability

Trespassing can be an offense in civil law where charges are awarded for any injuries that are sustained to property. Trespassing can generally be defined as "an unlawful act or lawful act in an unlawful manner to injure another's property." There are several areas in civil law whereby an individual can be found liable for monetary damages due to trespassing.

a) Common Law – in common law there lies an action against a trespasser for damages to an owner and/or possessor of land who has suffered directly from the actions of a trespasser. If a trespasser has directly injured somebody's property, that person can sue the trespasser to recover the damages, to restore him to his original financial position or as nearly as possible at the time that the trespass was committed. If an individual is concerned about whether or not he has a legal right to sue a trespasser or whether or not he will succeed, proper consultation with a lawyer is advised.

b) Petty Trespass Act – in Alberta there exists the statute known as the Petty Trespass Act of Alberta which basically states that a trespasser could be fined for trespassing on land that is properly posted with signs according to the provisions of the Act. The Act stipulates among other things how much the fine will be, who shall bring the charges and to whom the Act applies.

c) The Wildlife Act – The Wildlife Act provides that no person shall hunt wildlife or discharge a firearm on or over occupied lands or enter on such lands for the purpose of doing so without the consent of the owner or occupant.

Occupied lands are:

a) privately owned lands under cultivation or enclosed by a fence of any kind and not exceeding one section in area on which the owner or occupant actually resides, and

b) any other privately owned land which is within 1.6 km (1 mile) of the section referred to in clause (a) and which is owned or leased by the same owner or occupant.

The Wildlife Act states that no person shall discharge a firearm or cause a projectile from a firearm to pass within 183 m (200 yards) of any occupied building. This does not apply to owners, occupants or persons authorized by the owner or occupant.

The Wildlife Act also contains provisions respecting the discharge of firearms from highways, roads and vehicles.

Landholders should also be aware that it is unlawful to sell, trade, barter or offer for sale, access to any land for the purpose of hunting.

What you can and cannot do to a person who is on your property.

a) Occupiers' Liability – The Occupiers' Liability Act of Alberta is a provincial statute which classifies the individual coming onto property into three categories: a trespasser, a visitor, and a child. The

Act basically states among other things that a duty of care exists for the well-being of a person who comes onto your property, and this duty of care varies in degree with the category of individual that is involved.

How to protect yourself against liability.

There are various ways in which individuals have sought to avoid being found liable under the Occupiers' Liability Act, most of which are not failproof. An individual considering the use of such things as waiver forms, warning signs like "Beware of Dog", liability insurance or supervision should undertake to obtain the proper counselling before doing so. Failure to do so may place an individual at great financial risk, for example, the keeping of a dog that is known to be dangerous may result in liability under the Dangerous Dog Act of Alberta.

In summary, the areas of the law described above are just some of the laws that deal with trespassing. This article only describes what those areas are. In the event that an individual experiences any problems with regards to trespassing, he or she should seek proper legal assistance.

For further information please contact Alberta Agriculture's extension solicitor at 381-5131 in Lethbridge.

FIREARMS INFORMATION

You require a valid Firearms Acquisition Certificate (FAC) before you can acquire any firearm, whether you plan to buy, borrow or trade for it. This law, passed in 1977, is designed to make it more difficult for criminals and mentally unstable persons to obtain firearms. Anyone 16 years or older can apply for a FAC at the local police detachment, who will do a background check on the applicant. The certificate, which costs $10, is good anywhere in Canada for five years for any number of firearms. A person under 16 years of age must have a valid Minor's Permit, issued by the firearms officer of the local police, to possess a firearm unless that youth is under the immediate supervision of a person authorized to have the firearm.

Police may refuse to issue a FAC to someone who has been convicted of a violent crime or a firearms offense or who has serious mental disorders or other matters associated with violence.

Restricted weapons, such as handguns, must be registered. Restricted weapons include:

- handguns,
- rifles with a barrel less than 470 mm (18.5 inches) capable of firing centre fire ammunition in a semi-automatic manner,
- rifles designed to be fired when reduced to a length of less than 660 mm (26")
- any other firearm not reasonably used for hunting or sport,

as declared by order of the Governor-in-Council.

You may apply to register a restricted weapon with the Local Registrar of Firearms at certain designated police detachments. You must also obtain permits to use, transport or carry a restricted weapon. These also may be obtained from the Local Registrar of Firearms.

It is a criminal offense to make a false or misleading statement, or to fail to disclose relevant information in regards to your or anyone else's application for a certificate or permit.

Offenses Related to Use and Possession of Firearms

a) Pointing a firearm, loaded or unloaded, at a person. Fine or imprisonment up to 5 years.

b) Careless use, handling or transport of a firearm or ammunition. Fine or imprisonment up to 5 years.

c) Carrying a weapon or imitation for a dangerous purpose of committing an offense. Imprisonment up to 10 years.

d) Carrying a concealed weapon without a permit. Fine or imprisonment up to 5 years.

e) Possession of a prohibited weapon or an unregistered restricted weapon. Fine or imprisonment up to 5 years.

f) Possession of a restricted weapon other than as authorized. Fine or imprisonment up to 5 years.

g) Possession of a weapon while attending or on way to a public meeting. Fine or imprisonment up to 2 years.

Offenses Related to Acquisition, Sale or Delivery of Weapons

a) Giving, lending, etc. a firearm to a person under the age of 16 who is not a holder of a FAC unless such use is under immediate supervision of a person lawfully in possession of the firearm. Fine or imprisonment up to 2 years.

b) Selling, lending etc. a firearm, weapon, ammunition, explosives, etc. to anyone believed to be of unsound mind, impaired by alcohol or drug, or prohibited by law from possessing a weapon. Fine or imprisonment up to 5 years.

c) Importing, buying, selling, lending, etc. prohibited weapons or parts. Fine or imprisonment up to 5 years.

d) Selling, lending, etc. a restricted weapon to a person not authorized to possess such a weapon. Fine or imprisonment up to 5 years.

e) Selling, giving, lending, etc. a firearm to a person who does not have a FAC. Fine or imprisonment up to 2 years.

f) Obtaining a firearm without a FAC. Fine or imprisonment up to 2 years.

g) Possessing a firearm, weapon or explosive while prohibited. Fine or imprisonment up to 5 years.

Found, Lost, Stolen, Defaced Firearms and Weapons

a) Failure to report to police a lost or stolen firearm within a reasonable time. Fine or imprisonment up to 5 years.

b) Possessing a firearm knowing the serial number has been defaced or altered; or defacing or altering the serial number of a firearm. Fine or imprisonment up to 5 years.

For further information contact your local police.